

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HOWARD B. WRIGHT,

Plaintiff,

v.

PENNSYLVANIA DEPARTMENT OF
CORRECTION, SUPERINTENDENT
JOHN C. THOMAS, and SERGEANT
KYLE BOOK,

Defendants.

2: 14-cv-01678

Electronic Filing

Judge David Stewart Cercone

MEMORANDUM ORDER

Plaintiff, Howard B. Wright, has submitted for filing a civil rights complaint; however, the complaint was not accompanied by either payment of the filing fee or a Motion for Leave to proceed in forma pauperis. The case was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

On December 23, 2014, Magistrate Judge Eddy filed a Report and Recommendation (ECF No. 2) recommending that the case be transferred to the United States District Court for the Eastern District of Pennsylvania where venue is proper because all of the claims raised in the complaint involve events arising from an incident which occurred on May 29, 2013, while Wright was housed at SCI-Chester, which is located within the territorial limits of the United States District Court for the Eastern District of Pennsylvania ("Eastern District").

Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until January 9, 2015, to file written objections to the Report and Recommendation. Plaintiff has not filed any objections nor has he sought an extension of time

in which to do so. However, subsequent to the Report and Recommendation being filed, Plaintiff has filed a Motion for Leave to Proceed in forma pauperis (ECF No. 3), his authorization permitting withdrawal of prison accounts funds (ECF No. 4), and a Supplement to his Complaint (ECF No. 5).

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, ^{the} the following order is entered:

AND NOW, this 28 day of January, 2015:

IT IS HEREBY ORDERED that this case is **TRANSFERRED** forthwith to the United States District Court for the Eastern District of Pennsylvania.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 2) dated December 23, 2014, is **ADOPTED** as the Opinion of the Court;

IT IS FURTHER ORDERED that the Motion for Leave to Proceed in forma pauperis (ECF No. 3) is deferred to the transferee court; and

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



David Stewart Cercone
United States District Judge

cc: HOWARD B. WRIGHT
FP-5050
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PO Box 999
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Huntingdon, PA 16652
(via First Class Mail)